

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

Albert J. Autry,

Plaintiff,

*versus*Fort Bend Independent School
District, *et al.*,

Defendants.

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Civil Action H-11-144

Opinion on Attorney's Fees

From the beginning, Albert J. Autry had nothing to support his accusations against Fort Bend Independent School District. He accused it of negligent hiring even though it is immune from those claims. He said it discriminated against him based on age and sex even though he never filed a charge based on those characteristics. He sued four employees for discriminating against him based on race when the school district, not the people, is the proper defendant. The court immediately dismissed those claims. Only his claim of race discrimination by the school district remained.

All Autry knew was that despite being one of the final four candidates for the position, the school district did not hire him; he disagreed with its decision. Before he sued, he had nothing to suggest the hiring committee's decision was based on race. In his deposition, Autry admitted that he had no reason to suspect the decision was based on race, yet he continued to pursue his case.

From the beginning, this case has been wholly without merit. For bringing and pursuing claims that were frivolous, unreasonable, and groundless, Autry must reimburse the school district the attorney's fees it has incurred in defending itself.¹

¹42 U.S.C. § 2000 e-5(k).

The school district has presented evidence that it has incurred \$24,380.50 in attorney's fees since the inception of this case. Given the time, work, and rate of its attorneys that amount is imminently reasonable.²

Fort Bend Independent School District will take \$24,380.50 from Albert J. Autry for its attorney's fees.

Signed on August 8, 2011, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'L. Hughes', written over a horizontal line.

Lynn N. Hughes
United States District Judge

²*Johnson v. Georgia Highway Express*, 488 F.2d 714, 717-19 (5th Cir. 1974).